

## **Questioned Documents Unit (QDU)**

### **FBI Approved Standards for Scientific Testimony and Report Language for Forensic Document Comparisons**

#### **1 Purpose**

This document provides examples of the scientifically supported conclusions and opinions approved for reporting examination conclusions and offering expert opinion statements during handwriting comparison and other document testimony provided by forensic document examiners within the QDU. Section 4 is limited to conclusions that result from a handwriting comparison. Section 5 is applicable to all forensic document examinations unless otherwise limited by the express terms of an individual qualification or limitation. It is noted that these examples are not intended to be all inclusive and may be dependent upon the precedent set by the judge or locality in which a testimony is provided. Further, these examples are not intended to serve as precedent for other forensic laboratories and do not imply that statements by other forensic laboratories are incorrect, indefensible, or erroneous.

#### **2 Scope**

This document applies to QDU forensic document examiners who prepare *FBI Laboratory Reports* (7-1 LIMS) and/or provide testimony related to questioned document examinations. This requirement takes effect as of the date of this document and is not retroactive to previously issued reports and/or testimony provided.

#### **3 Responsibilities**

**3.1** The examiner will ensure that their *Laboratory Report* and testimony is consistent with the statements contained within this document and the *Department of Justice (DOJ) Uniform Language for Testimony and Reports for Forensic Document Examination (ULTR)*.

**3.2** The administrative and technical reviewers will ensure that *QDU Laboratory Reports* contain language consistent with the statements contained within this document and the DOJ ULTR.

**3.3** The Unit Chief will ensure QDU testimony complies with the statements contained within this document and the DOJ ULTR.

## **4 Statements Approved for FBI Questioned Document Unit, Forensic Document Examiners Testimony and/or Laboratory Reports Regarding Handwriting Comparisons**

### **4.1 Source Identification**

‘Source identification’ is an examiner’s conclusion that two or more bodies of writing were prepared by the same writer. This conclusion is an examiner’s opinion that 1) the observed quality and quantity of similar characteristics are such that the examiner would not expect to see that same combination of characteristics repeated in a body of writing prepared by another writer; 2) there are no significant dissimilarities to conclude that the bodies of writing were not prepared by the same writer; and 3) there are no significant limitations with the items examined or the circumstances considered (e.g. the writer’s skill level, sufficient number of known standards).

The basis for a ‘source identification’ conclusion is an examiner’s opinion that the observed similar characteristics provide extremely strong support for the proposition that the bodies of writing were prepared by the same writer and extremely limited or no support for the proposition that the writings were prepared by different writers.

A ‘source identification’ is the statement of an examiner’s opinion (an inductive inference) that the probability that a different writer prepared the questioned body of writing is so small that it is negligible.

### **4.2 Support For A Common Source**

‘Support for common source’ is an examiner’s conclusion that two or more bodies of writing may have been prepared by the same writer. This conclusion is an examiner’s opinion that 1) the bodies of writing exhibit a prevalence of similar characteristics to indicate they may have been prepared by the same writer; 2) there are insufficient dissimilar characteristics to indicate that the bodies of writing may not have been prepared by the same writer; and 3) the bodies of writing have limitations that prevent the examiner from providing a ‘source identification’ conclusion. The degree of ‘support for common source’ may range from limited to strong.

The basis for a ‘support for common source’ conclusion is an examiner’s opinion that the observed similar characteristics provide limited to strong support for the proposition that the bodies of writing may have been prepared by the same writer and insufficient support for the proposition that the writings may have been prepared by different writers.

### **4.3 Inconclusive**

‘Inconclusive’ is an examiner’s opinion that no determination can be reached as to whether two or more bodies of writing were prepared by the same writer or by different writers.

The basis for an ‘inconclusive’ conclusion is an examiner’s opinion that the bodies of writing have limitations that prevent the examiner from providing any conclusion regarding probable authorship.

#### **4.4 Support For Different Sources**

‘Support for different sources’ is an examiner’s conclusion that two or more bodies of writing may not have been prepared by the same writer. This conclusion is an examiner’s opinion that 1) the bodies of writing exhibit a prevalence of dissimilar characteristics to indicate they may not have been prepared by the same writer; 2) there are insufficient similar characteristics to indicate that the bodies of writing may have been prepared by the same writer; and 3) the bodies of writing have limitations that prevent the examiner from making an ‘exclusion’ conclusion. The degree of ‘support for different sources’ may range from limited to strong.

The basis for a ‘support for different sources’ conclusion is an examiner’s opinion that the observed dissimilar characteristics provide limited to strong support for the proposition that the bodies of writing may have been prepared by different writers and insufficient support for the proposition that the writings may have been prepared by the same writer.

#### **4.5 Source Exclusion**

‘Source exclusion’ is an examiner’s conclusion that two or more bodies of writing were not prepared by the same writer. This conclusion is an examiner’s opinion that the bodies of writing exhibit different handwriting characteristics and there are no significant limitations with the items examined or the circumstances considered (e.g. the writer’s skill level, sufficient number of known standards, eliminating the possibility of alternative writing styles).

The basis for a ‘source exclusion’ conclusion is an examiner’s opinion that the observed different characteristics provide extremely strong support for the proposition that the bodies of writing were prepared by different writers and extremely limited or no support for the proposition that the writings were prepared by the same writer.

### **5 Statements Not Approved for FBI QDU Forensic Document Examiner Testimony and/or Laboratory Reports**

The following are not approved for use by the examiner; however, it is acknowledged that there may be circumstances outside the control of the examiner, such as in courts of law that require the examiner to deviate from the statements set forth below.

**5.1** A conclusion provided during testimony or in a report is ultimately an examiner’s decision and is not based on a statistically derived or verified measurement or comparison to all other bodies of writing. Therefore, an examiner shall not:

- assert that a ‘source identification’ or a ‘source exclusion’ conclusion is based on the ‘uniqueness’ of an item of evidence.

- use the terms ‘individualize’ or ‘individualization’ when describing a source conclusion.
- assert that two or more bodies of writing were prepared by the same writer to the exclusion of all other writers.

**5.2** An examiner shall not offer a ‘support for common source’ conclusion unless he or she also explains the limitations that prevented a ‘source identification’ conclusion. Likewise, an examiner shall not offer a ‘support for different sources’ conclusion unless he or she also explains the limitations that prevented a ‘source exclusion’ conclusion.

**5.3** An examiner shall not assert that forensic document examinations are infallible or have a zero-error rate.

**5.4** An examiner shall not provide a conclusion that includes a statistic or numerical degree of probability except when based on relevant and appropriate data.

**5.5** An examiner shall not cite the number of forensic document examinations performed in his or her career as a direct measure for the accuracy of a proffered conclusion. An examiner may cite the number of forensic document examinations performed in his or her career for the purpose of establishing, defending, or describing his or her qualifications or experience.

**5.6** An examiner shall not use the expressions ‘absolute certainty,’ ‘100% certainty,’ ‘reasonable degree of scientific certainty,’ ‘reasonable scientific certainty,’ or similar assertions of reasonable certainty in either reports or testimony unless required to do so by a judge or applicable law.

## **6 Laboratory Report Reviews**

The content of a QDU *Laboratory Report* must be reviewed per the *QDU Case Records and Review for Cases in Forensic Advantage (FA)*, as appropriate, ensuring compliance with the approved statements in this document and the DOJ ULTR.

## **7 Testimony Reviews**

Forensic Document Examiner testimonies will be reviewed following the *FBI Laboratory Practices for Testimony Related Activities*. The review will ensure compliance with the statements in this document and the DOJ ULTR.

## 8 References

*International Standard ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories*

*ANAB AR3125 ISO/IEC 17025:2017 Forensic Science Testing & Calibration Laboratories Accreditation Requirements (Effective: 2019/04/29)*

*FBI Laboratory Quality Assurance Manual*

*FBI Laboratory Operations Manual*

*United States Department of Justice Uniform Language for Testimony and Reports for Forensic Document Examination* (available at [justice.gov/olp/uniform-language-testimony-and-reports](https://justice.gov/olp/uniform-language-testimony-and-reports))

Rev. #	Issue Date:	History:
2	03/01/18	2 Scope deleted “policy” and added “requirement”. 3.2 deleted “or designee”. 3.3 deleted “or designee” “assess if” and added “ensure the”. Section 4.1 under Note, changed the word “arrangement” to “combination.”
3	07/01/21	Made grammatical edits throughout the document. In the title, changed “Handwriting” to “Document”. In section 1, added “and other document”, “provided”, and “Section 4 is limited to conclusions that result from a handwriting comparison. Section 5 is applicable to all forensic document examinations unless otherwise limited by the express terms of an individual qualification or limitation.” Added “provided” and removed “by the QDU Forensic Document Examiners” in section 2. Also changed “on handwriting comparisons” to “related to questioned document examinations”. In section 3, added references to the <i>Department of Justice (DOJ) Uniform Language for Testimony and Reports for Forensic Document Examination (ULTR)</i> . In section 4 removed all previous information and replaced it with the conclusions section of the DOJ ULTR. In section 5, removed previous 5.1 through 5.3 and replaced it with sections 5.1 through 5.5 (based on DOJ ULTR). In section 6, removed “ <i>QDU Case Records and Review for Legacy Cases</i> and” and added “and the DOJ ULTR.” In section 7, updated the name of the quality document referenced, added “and the <i>DOJ ULTR</i> ” and added the DOJ ULTR reference to section 8. Also updated accreditation document references in section 8.

### **Approval**

Redact - Signatures on File

Questioned Documents  
Unit Chief

Date: 06/30/2021

Questioned Documents  
Technical Leader

Date: 06/30/2021

### **QA Approval**

Quality Manager

Date: 06/30/2021